



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/751,011

12/31/2003

Maria Theresa Barnes Leon

OIC0096US

5515

60975 7590 07/12/2010
CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER

CHUMPITAZ, BOB R

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

07/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/751,011	Applicant(s) LEON ET AL.	
	Examiner BOB CHUMPITAZ	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) 4, 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/09, 4/12/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a Final Office Action in response to communication received on April 8, 2010. Claims 1, 10 and 19 have been amended and claims 4 and 13 have been cancelled. Claims 1-3, 5-12 and 14-24 are pending and addressed below.

Information Disclosure Statement

The information disclosure statement(s) (IDS) submitted on 12/22/09 and 4/12/10 where filed. The submission is in compliance with the provision of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (US 7,099,350 B2) in view of Wensheng (US 2002/0095456 A1).

As per claims 1, 10 and 19, Peterson discloses a method, computer-readable storage medium, and system for managing data in a computing system, comprising:

a central processing unit (CPU) (col. 2, lines 34-43: host systems' CPU) ;

a memory, coupled to the CPU (col. 2, lines 34-43: host systems' CPU; col. 3, lines 15-29: data converted is stored; see also Figs. 1-3, 32-33 and associated text);

extracting, using the computing system, information in a first form,

wherein the first form is associated with a source system, the information in the first form comprises employee position data (col. 3, lines 15-29: extracting data from the first system (source system)); the employee position data corresponds to an employee position code, the source system maintains a source employee management aspect of the employee position data, and the source employee management aspect depends on the employee position data (col. 30, lines 23-49: layering data packets received from different systems that are potentially “non-like” systems; specific employee number (code) from a database is converted into an ID packet format for the master system such that both (different) systems employee number could be recognized and analyzed, or transferred from one system (source system) to the other (target system); see also Fig. 49-51: a diagrammatic view of the transfer of ID packets between two systems in a merger operation; Fig. 65: a flow chart depicting the update operation and the consolidation operation),

converting, using the computing system, the information in the first form into information in an intermediate form, wherein the information in the intermediate form is configured to allow the employee position data to be imported into an employee position field (col. 3, lines 15-29: extracting data from the first system...then routing the extracted data from the first system to a first conversion server...at the first conversion server the data is converted from a format compatible with the first database structure to an intermediate format),

Art Unit: 3629

converting, using the computing system, the information in the intermediate form into information in a target form, wherein the target form is associated with a target system, the information in the target form comprises the employee position field (col. 3, lines 15-29: extracting data from the first system...then routing the extracted data from the first system to a first conversion server...at the first conversion server the data is converted form a format compatible with the first database structure to an intermediate format...the data in the intermediate format is then routed to a second conversion server....at the second conversion server, the data is converted from the intermediate format to a format compatible with the second database structure...the data converted at the second conversion server is then stored in the second system (target system)); and the employee position code corresponds to an employee position field (col. 30, lines 37-49: ID packets, employee data field comprising a particular type of data associated with the employee; specific employee number (code) from a database is converted into an ID packet format for the master system such that both (different) systems employee number could be recognized and analyzed, or transferred from one system (source system) to the other (target system)).

With respects to: "importing the employee position data into the employee position field, wherein the employee position field is one of a plurality of employee position fields, and the employee position field is selected based on a correspondence to the employee position code." Peterson discloses employee data fields comprising a particular type of

data associated with the employee and wherein employee number (code) from a database is converted into an ID packet format for the master system such that both (different) systems employee number can be recognized and analyzed, or transferred from one system (source system) to the other (target system) (col. 30, lines 37-49: ID packets). Furthermore, Peterson discloses the exporting operation wherein the data is pulled and transmitted in data packets (col. 17, lines 17-19; see also Fig. 11). Peterson further discloses where all the fields of a profile 3902 (Fig. 39) are defined fields and the information therein is linked to a attribute table, therefore all ID packets having a profile with a specific data field associated therewith can be searched (selected) through the attribute table (col. 38, lines 10-16). Furthermore, it is well known in the art and would have been obvious to one of ordinary skill in the art at the time of the invention to import/export data (e.g. employee position data) into data fields (e.g. employee position field) in order to transfer data into intended data fields located in a plurality of systems via an electronic information sharing network. For example, Wensheng teaches wherein data may be imported into a spreadsheet program such as Excel program of Microsoft Corporation or a database program such as Access in order to utilize the data ([0040, 69, 99: employee data]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system for converting and transferring data between multiple data systems as disclosed by Peterson to include the process for importing employee data into data fields utilizing a variety of database programs as taught by Wensheng in order to facilitate and expedite the process of importing and transferring employee specific information, via a network linked to

Art Unit: 3629

multiple data fields located in multiple data systems, so that employee data fields containing employee data can be searched and selected according to a specific employee data identifier, such as the employee position code.

With respect to: “instructions, stored in memory, for updating the target employee management aspect according to the employee position data imported into the employee position field, wherein the target system maintains a target employee management aspect of the employee position data.” Peterson discloses where data tables are formed as a result of data transactions, and where the data is arranged in rows and columns with a row identification address (RID) associated with each row. The RID allows one to identify where the data is located for the purpose of extracting the data, updating the data, etc. Whenever a row is accessed, it is date stamped and assigned a row ID, in this manner even if the data is reorganized through a database packing operation or the such the data can still be located (col. 14, lines 14-64 & col. 38, line 38 - col. 39, line 5: transfer and update ID packets from one location to another via a network). It would have been obvious to one of ordinary skill in the art at the time of the invention to update target employee management aspect according to the employee position data within the system for converting and transferring data between multiple data systems as disclosed by Peterson in order to allow users of a business management database program to create, store, transfer and update employee position data within back and front office data managements systems.

Examiner notes:

The Peterson/Wensheng combination discloses the claimed invention as noted above, however does not expressly disclose wherein the information comprises “employee *position* data.” However, the specific type of information, being extracted, converted and imported, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The step for providing data conversion, data transmission and updating data would be performed the same regardless of what specific type of information they belong to. For example, the teachings of the Peterson/Wensheng combination would be capable of performing the noted claimed operations whether the employee data was associated to” “employee *position* data” or “employee *job responsibility* data” or “employee *profile* data” or “employee *identification* data”, etc. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Wensheng and in further view of Mui et al. (US 2003/0229529 A1, hereinafter Mui).

As per claims 2 and 11, the Peterson/Wensheng combination discloses claims 1 and 10 as rejected above, but do not expressly disclose using the information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising: “creating a new employee position management record in the target system”; and “updating an

Art Unit: 3629

existing employee position management record in the target system.” However, Mui teaches wherein learning providers use import and administration tools to create and update catalog and learning object metadata [0210, 218, 234]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Peterson/Wensheng combination to include the function for creating and updating information as taught by Mui in order to create, maintain and update employee information in a particular form so that users can monitor data (e.g. employee position management record) via business administrative tools.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Wensheng and in further view of Makely et al. (US 6,996,776 B1, hereinafter Makely) in further view of Mui.

As per claims 3 and 12, the Peterson/Wensheng combination discloses claims 1 and 10 as rejected above, but do not expressly disclose extracting, using the computing system,

“information in a third form wherein the third form is associated with a second source system and the third form is distinct from the source system.” However, Peterson discloses extracting information from a first system and then routing the extracted information to a conversion server, wherein the information is then converted to be compatible to an intermediate format, and wherein the converted intermediate formatted data is then routed to a second conversion server which is stored in a second system (Abstract). Furthermore, Makely teaches a technique, system, and computer program by which content created from source files in a first data format and converted to presentation files in a second data format can be read and used by a subsystem which

Art Unit: 3629

reads content in a third data format other than the first and second data formats (col. 3, lines 4-12; Abstract: extracting information). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Peterson/Wensheng combination to include the process of extracting information in a third format as taught by Makely in order to make the extracted data available in more than one type of format so that to make it compatible for data transmission into another system such as any type of business software system that requires a particular data format.

Peterson further discloses “converting, using the computing system, the information in the third form into information in the intermediate form” (col. 3, lines 15-29: extracting data from the first system...then routing the extracted data from the first system to a first conversion server...at the first conversion server the data is converted form a format compatible with the first database structure to an intermediate format); and “converting, using the computing system, the information in the intermediate form into information in the target form” (col. 3, lines 15-29: extracting data from the first system...then routing the extracted data from the first system to a first conversion server...at the first conversion server the data is converted form a format compatible with the first database structure to an intermediate format...the data in the intermediate format is then routed to a second conversion server....at the second conversion server, the data is converted from the intermediate format to a format compatible with the second database structure...the data

converted at the second conversion server is then stored in the second system (target system)).

The Peterson/Wensheng/Makely do not expressly disclose using the information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising: “creating a new employee position management record in the target system”; “updating an existing employee position management record in the target system.” However, Mui teaches wherein learning providers use import and administration tools to create and update catalog and learning object metadata [0210, 218, 234]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Peterson/Wensheng/Makley combination to include the function for creating and updating information as taught by Mui in order to create, maintain and update employee information in a particular form so that users can monitor data (e.g. employee position management record) via business administrative tools.

Claims 5-9, 14-18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Wensheng and in further view of Lee et al. (US 2004/0093351 A1, hereinafter Lee).

As per claims 5, 14 and 20, the Peterson/Wensheng combination discloses claims 1, 10 and 19 as rejected above, where Peterson further discloses “the intermediate form...” (col. 3, lines 15-29: intermediate format), but does not expressly disclose:

“...comprises a list of employee positions for defining a hierarchy of data elements”

Art Unit: 3629

However, Peterson discloses creating intermediate tables (col. 14, lines 42-64; see also claim 1 and associated text) and employee number fields (col. 30, lines 40-49). In addition, Lee teaches wherein work level is used to record the relative position of each employee in a hierarchy of the organization [0019]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Peterson/Wensheng combination to include the process of using employee work level information to determine an employee hierarchy within an organization as taught by Lee in order to associate employee position information in relation to the hierarchy of data elements.

Lee further teaches "...comprising: *one or more elements* selected from a group comprising: a plurality of employee position elements, wherein the plurality of employee position elements comprises a related parent position element; **a position identifier**; a position base data element; a position related division element; a position related organization element; and a position custom data element ([0019] work level 301).

Examiner notes: with respects to claims 6-9, 15-18 and 21-24 which whom depend from claims 5, 14 and 20 are rejected on the basis of the Examiners election of "**a position identifier.**"

Art Unit: 3629

As per claims 6, 15 and 21, it recites equivalent limitations to claim 5, 14 and 20 and are, therefore rejected using the same art and rationale as set forth above. In addition, claims 6, 15 and 21 are directed to a non-elected employee position element: “a position base data element.”

With respects to claims 7-9, 16-18 and 22-24, “wherein the position related division element includes a position related division identifier”, “wherein the position related organization element includes a position related organization identifier” and “wherein the related parent position element includes a related parent position identifier.”

The Examiner notes, as per claims 5, 14 and 20, the examiner elected “**a position identifier.**” Claims 7-9, 16-18 and 22-24 are directed to the non-elected employee position elements: “the position related division element”, “the position related organization element” and “the related parent position element.” Accordingly, once the positively recited steps are satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios. [See: *In re Johnston*, 77 USPQ2d 1788 (CA FC 2006); *Intel Corp. v. Int'l Trade Comm'n*, 20 USPQ2d 11 61 (Fed. Cir. 1991); MPEP 2106 II C].

Examiner's note: the specific types of position elements: “the position related division element”, “the position related organization element” and “the related parent position element” is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d

1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Please note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

a. ***“For”***

See *e.g. In re Collier*, 158 USPQ 266, 267 (CCPA 1968)(where the court interpreted the claimed phrase “a connector member for engaging shield means” and held that the shield means was not a positive element of the claim since “[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.”

b. ***“-Able”***

See *e.g. In re Collier*, 158 USPQ 266, 267-68 (CCPA 1968)(where the court interpreted the claimed phrase “said ferrule-forming member being crimpable onto said shield means” and held that the shield means was not a positive element of the claim since “[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.... “[t]he ferrule or connector member is crimpable but not required, structurally, to be crimped These cannot be regarded as structural limitations and therefore not as positive limitations in a claim directed to structure. They cannot therefore be relied on to distinguish from the prior art.”)

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g. MPEP §2106 II C*: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) “As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased” since “this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form ‘may.’”).

Response to Argument

Applicant's arguments filed 4/8/2010 have been considered but are not persuasive. In the remarks the Applicant(s) argues the following:

(1) Applicants respectfully submit that neither Peterson nor Wensheng, alone or in any combination, teach or suggest, at the very least, that an aspect of employee management on a target system is updated according to employee position data imported from a source system. This newly added limitation is in claim 1, and similar limitations are in claims 10 and 19. Peterson simply focuses on transferring data from one database structure to another database structure. See Peterson, Abstract and 3: 15-30. In other words, both of the computer systems in Peterson are similar, and the only thing necessary is to simply copy data from a field in one database structure into that of another database structure. Peterson fails to contemplate the substantially more complicated scenario addressed by the claimed invention - one in which a source system maintains one aspect of employee position data and a target system maintains a different aspect of the employee position data.

In response to argument (1), the Examiner respectfully disagrees. Peterson discloses the currently amended claimed operations. Peterson discloses where data tables are formed as a result of data transactions, and where the data is arranged in rows and columns with a row identification address (RID) associated with each row. The RID allows one to identify where the data is located for the purpose of extracting the data, updating the data, etc. Whenever a row is accessed, it is date stamped and assigned a row ID, in this manner even if the data is reorganized through a database packing operation or the such the data can still be located (col. 14, lines 14-64 & col. 38, line 38 - col. 39, line

Art Unit: 3629

5: transfer and update ID packets from one location to another via a network). It would have been obvious to one of ordinary skill in the art at the time of the invention to update target employee management aspect according to the employee position data within the system for converting and transferring data between multiple data systems as disclosed by Peterson in order to allow users of a business management database program to create, store, transfer and update employee position data within back and front office data managements systems. See rejection above.

(2) Wensheng is completely silent on any concepts even remotely comparable to a source system maintaining one aspect of the employee position data and a target system maintaining a different management aspect, particularly where the aspect of the employee position data on the target system is updated according to the aspect of employee position data on the source system. Neither Peterson nor Wensheng, alone or in combination, contemplate anything like the claimed employee position data completely prevents either reference from teaching or even suggesting the claimed limitations that make use of employee position data.

In response to argument (2), the Examiner respectfully disagrees. The Peterson/Wensheng combination discloses the claimed invention as noted above, and with respect to wherein the information comprises "employee position data." However, the specific type of information, being extracted, converted and imported, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The step for providing data conversion, data transmission and updating data would be performed the same regardless of what specific type of information they belong to. For

example, the teachings of the Peterson/Wensheng combination would be capable of performing the noted claimed operations whether the employee data was associated to "employee position data" or "employee job responsibility data" or "employee profile data" or "employee identification data", etc. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See rejection above.

(3) Claims 2 and 11 stand rejected under 35 U.S.C. 103(a) as purportedly being unpatentable over Peterson in view of Wensheng and further in view of L1.S. Patent Application Publication No. 2003/0229529 A1 ("Mui"). Applicants respectfully traverse this rejection. Claims 2 and 11 depend on claim 1, and Applicants respectfully submit that these claims are in condition for allowance for at least the foregoing reasons set forth with respect to the claim 1. Applicants therefore respectfully request the examiner's reconsideration and withdrawal of the rejections to those claims. Claims 3 and 12 stand rejected under 35 U.S.C. 5 103(a) as purportedly being unpatentable over Peterson in view of Wensheng and further in view of U.S. Patent No. 6,996,776 B 1 ("Makely") in further view of Mui. Applicants respectfully traverse this rejection. Claims 3 and 12 depend on claims 1 and 10, respectively, and Applicants respectfully submit that these claims are in condition for allowance for at least the foregoing reasons set forth with respect to claims 1 and 10. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims. Claims 5-9, 14-18 and 20-24 stand rejected under 35 U.S.C. 5 103(a) as purportedly being unpatentable over Peterson in view of Wensheng and in further view of U.S. Patent Publication No.

200410093351 A1 ("Lee"). Applicants respectfully traverse this rejection. Claims 5-9 depend on claim 1; claim 14-18 depend on claim 10; and claims 20-24 depend on claim 19. Applicants respectfully submit that these dependent claims in condition for allowance for at least the foregoing reasons set forth with respect to the independent claims. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims.

In response to argument (3), the Examiner respectfully disagrees. See rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494.

The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.

Examiner, Art Unit 3629

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3629